

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARINO FRAZIER,)	
)	
Plaintiff,)	
)	No. 2:17-cv-02816-TLP-tmp
v.)	
)	JURY DEMAND
AMJAD SHOUMAN, COOPERATION,)	
)	
Defendant.)	

**ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER IN FORMA
PAUPERIS AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE**

Plaintiff, a former inmate at the Shelby County Jail in Memphis, Tennessee, was previously granted leave to proceed in forma pauperis in this matter. (Order, ECF No. 4.) That said, Plaintiff has since been released from prison. (*See* Pro Se Notice, ECF No. 6.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee required by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to make a “down payment” of a partial filing fee and pay the remainder in monthly installments. 28 U.S.C. § 1915(b). In this case, because Plaintiff was released before he fully complied with the PLRA, the filing fee was not assessed. Under these circumstances, “the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status.” *McGore v. Wigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Plaintiff is therefore ORDERED to submit, within 30 days of this order, either a non-prisoner in forma pauperis affidavit or the entire \$400 civil filing fee.¹ The Clerk shall mail Plaintiff a copy of the non-prisoner in forma pauperis affidavit form along with this Order at the address he has provided.

Failure to comply with this Order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

SO ORDERED, this 6th day of May, 2019.

s/Thomas L. Parker

THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). The Schedule of Fees set out following the statute also requires an additional administrative fee of \$50 for filing any civil case. That additional \$50 fee will not apply if leave to proceed in forma pauperis ultimately is granted.